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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,440

01/15/2004

Huan-Chung Liu

LIUH3006/EM

4102

23364

7590

08/06/2004

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EXAMINER

GRILES, BETHANY L

ART UNIT

PAPER NUMBER

3643

DATE MAILED: 08/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/757,440

Applicant(s)

LIU, HUAN-CHUNG

Examiner

Bethany L. Griles

Art Unit

3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Also, applicant is reminded that claims must be in the form of 1 sentence, with no intervening periods.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Munsterman et al. US5758449 in view of Lyons US5986552.

6. Regarding claims 1 and 4 and 5 and 6 and 8, Munsterman et al. disclose a novel float for easy positioning 100, identifying fish catch and lighting comprises a base 12 is in the round shape to house the inductive device. There is a central hollow post to be encircled with the inductive coil (please refer to figure 4): the extended end of the central post forms a connecting rod to be locked up with the lock bolt 66. A top lid 10 is a round casing made of the transparent material; the lights 28, 30 emitted from the central LED and the surrounding LEDs on the lighting device are visible from outside; a lock bolt is a short cylinder with inner thread to be locked on the connecting rod; a water proofing washer (col 3, lines 9-10 disclose that the device has a sealed housing which is in two parts) sits between the proofing purpose; top lid 10 and the base 12 for water a battery compartment 34 housed in space between the base and the top lid provides the power to the lighting device 28, 30 and inductive device 20; a lighting device 28 mounted on the top of the battery provide the fish catch signal and lighting; compartment to an inductive device 20 mounted under the battery compartment provides the induced signal of fish catch; in quick response to the fish biting, the inductive shaft falls of the inductive coil and activates the central LED of the lighting device(col 5, lines 35-39 describes this process) , there appear two lights (a clear light plus a green light) (col 6, lines 1-4), a sign showing the fishing man that the fish is biting the bait on the fish hook; it also serves the lighting; both during the day time and night time fishing it indicates the accurate float position and fish catch signal, right time for the fishing man to lift the fishing tackle.

7. Munsterman et al. do not disclose that the LED lights can be red or blue.

8. Lyons discloses LED lights that are red or blue (col 6, lines 4 and 5)
9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Lyons of red and blue lights to the float indicator of Munsterman et al., as it would have been an obvious matter of design choice as to what color of light to utilize in the device, as such a choice would be purely aesthetic and there is no criticality disclosed in the immediate application to the choice of any color combination over any others.
10. Regarding claim 2, Munsterman et al. disclose that the base has a flat bottom (col 1, line 58).
11. Regarding claim 3, Munsterman et al. disclose the lighting device includes a circuit board 16, a plurality of LEDs 28, 30 and a pedestal 13; the LEDs linked to the circuit board 16 and extending out of the holes on the pedestal 13 making the lights visible outside of the top lid 10.
12. Regarding claim 7, Munsterman et al. disclose that the spring is of "sufficient force to retain contact bar 64 in a biased position against position indicator contact 62 when no fish is on the line." By this disclosure, Munsterman et al. allow for a range of sizes for the spring 60 to effectively perform the function indicated.

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson et al. US5898372 ; Riead US4461114 ; Machovina

Art Unit: 3643

US4748761 ; Neihoff et al. US4884355; Klammer US5199205; Johnson et al.

US5974721; Wang US6098332.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bethany L. Griles whose telephone number is 703.305.1839. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

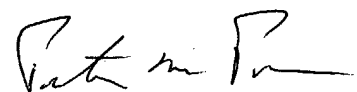
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703.308.2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



blg

Bethany L. Griles  
Examiner  
Art Unit 3643



Peter M. Poon  
Supervisory Patent Examiner

